



# Office of the Attorney General

State of Texas

August 7, 1991

DAN MORALES  
ATTORNEY GENERAL

Mr. Bill Dake  
McGregor City Manager  
P.O. Box 192  
McGregor, Texas 76657

OR91-353

Dear Mr. Dake:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252--17a, V.T.C.S. Your request was assigned ID# 12786.

You have received a request for a copy of police dispatch files for a certain period of time. You have submitted to us copies of materials responsive to the request for which you claim exception from the act. You claim that documents comprising the police dispatch files are excepted from disclosure by section 3(a)(3), the litigation exception, and section 3(a)(8), the law enforcement exception.

Section 3(a)(8) provides the following exception:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

V.T.C.S. art. 6252-17a, § 3(a)(8)

In Open Records Decision No. 394 (1983), a copy of which is enclosed, it was determined that there was "no qualitative difference between the information contained in the radio logs and cards and that which was expressly held to be public in Open Records Decision No. 127 (1976)." *Id.* at 3. Accordingly, section 3(a)(8) does not except disclosure from the radio dispatch records.

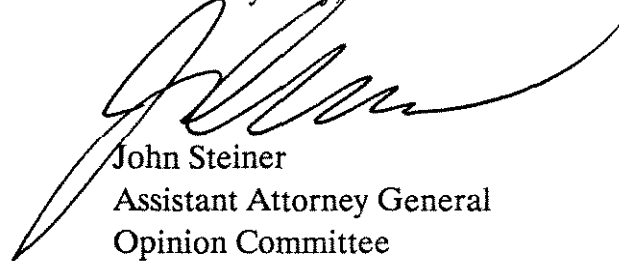
A prior Open Records Decision issued by this office, Open Records Decision

No. 551 (1990), address the applicability of section 3(a)(3). A section 3(a)(3) claim requires a showing that (1) you are now, or will likely be, a party to civil or criminal litigation and (2) the requested documents constitute "information relating to [that] litigation." Although you assert that the requestor of these documents is now in litigation with the City of McGregor, you have neither identified the issues of that litigation nor demonstrated that the request documents constitute "information relating to [that] litigation"; therefore, you have not made your case for an exception from disclosure by section 3(a)(3). V.T.C.S. art. 6252-17a, § 3(a)(3).

However, if, within fourteen days, you provide this office with documentation that demonstrates the applicability of the requested documents to the litigation, we will be able to reconsider your claim to exemption under section 3(a)(3).

Because prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-353.

Yours very truly,



John Steiner  
Assistant Attorney General  
Opinion Committee

JS/GK/lb

Ref.: ID# 12786

Enclosure: Open Records Decision No. 394